



ANNO SEXTO

GEORGIIV. REGIS.

Cap. lxxxviii.

An Act for more effectually making and repairing the Roads between *Newton Abbot* and *Brixham*, *Kingsweare* and *Dartmouth*, *Shaldon* and *Torquay*, and also between *Torquay* and *Saint Mary Church*, and the Bridge to be built over the River *Teign* at *Shaldon*, and for making and repairing several other Roads communicating therewith, all in the County of *Devon*. [20th May 1825.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for more effectually making and repairing the Roads between Newton Abbott and Brixham, Kingsweare and Dartmouth, Shaldon and Torquay, and several other Roads communicating therewith, in the County of Devon*: And whereas the Trustees for executing the said recited Act have made certain new Roads and Improvements, and have borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be paid off: And whereas it would be of great public Advantage to make further Improvements, and to open a more easy and direct Communication between the Towns or Villages of *Torquay*, *Saint Mary Church*, *Babbicombe*, and *Shaldon*, and by the Bridge now building over the River *Teign*, between *Shaldon* aforesaid and *Teignmouth*; and it is also expedient, for the Purpose of avoiding

[Local.]

4 G. 4. c. 17.

certain steep Hills between the said Towns and Villages and *Teignmouth* aforesaid, that certain new Lines of Road should be added to and united with the present Turnpike Roads, and be made Parts thereof, in order to facilitate such Communication : And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, 3 G. 4. c. 126. intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England* : And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty, 4 G. 4. c. 95. intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England* : And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty, 5 G. 4. c. 69. intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads* : And whereas it would be convenient if the said first-recited Act were repealed, and better and more effectual Powers were granted, as well for more effectually maintaining, altering, widening, diverting, and keeping in Repair the present Turnpike Roads, as for making and maintaining the Roads herein-after mentioned ; but inasmuch as these beneficial Purposes cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said first-recited Act, passed in the Fourth Year of the Reign of His present Majesty, shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever, and from thenceforth this Act shall commence and take Effect instead thereof, and shall, together with the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, be put in Execution for and during the Term herein-after mentioned, as well for the Purpose of more effectually repairing, widening, altering, diverting, and from Time to Time improving and keeping in Repair the Road from the South End of the Town of *Newton Abbott* in the said County, to *Aller Lane* on the South Side of *Langford Bridge* in the Parish of *Abbotscarswell*, and also unto and across *Keybery Bridge*, and from thence to the Passage House at *Shaldon* in the Parish of *Saint Nicholas* ; and also One hundred and twenty Yards of the Road leading from the East End of the said Bridge across *Milber Down* towards *Saint Mary Church* ; and also from the said Bridge to *Archa-brook*, between the said Bridge and *Shaldon*, through the Parishes of *Coombeintinhead* and *Stokeintinhead*, or one of them ; and from *Keybery Bridge* aforesaid through *Allerparks Lane* to *Broadgate Bridge* in *Kingscarswell* aforesaid, and from thence through the Eastern End of the Village of *Kingscarswell*, and through *Southey Lane* in the same Parish, by *Chapel Hill*, to the Hotel at *Torquay* ; and also from *Torquay* by *Fleet Mill* to the North Side of the Lime Kiln adjoining to *Hoppaway Hill*, in *Tormoham*, through the several Parishes of *Woolborough*, *Coombeintinhead*, *Stokeintinhead*, *Saint Nicholas*, *Abbotscarswell*, *Kingscarswell*, *Saint Mary Church*, and *Tormoham*, in the said County of *Devon* ; and also from or near to the South End of *Chapel Hill* in the said Parish of *Tormoham*, through the Parish of *Cockington*, and from thence across *Tuckingmill*, alias *Hollacombe Lake*, into the Parish of *Paington*, and unto or near to *Cleatland Cross*

Recited Act
4 G. 4. c. 17.
repealed, and
this Act to
take Effect
instead
thereof.

Cross, in the same Parish, and from thence, to *Galampton Warborough Turnpike House*, with One hundred and twenty Yards of each of the present Roads, from thence towards the Villages of *Goodrington* and *Galampton*, and across *Galampton Warborough*, and from thence through the Parish of *Churstonferrers*, by the Poor House and *Lupton Gate*, to *Monks Bridge* and *Brixham Quay*, through *Burn Street*, and through the Road near to a Dwelling House occupied by *Philip Gillard*, in the said Parish of *Brixham*; and also across *Galampton Warborough* aforesaid, through and along *Oldway Lane*, the present Turnpike Road, to *Gollins's Grave*, and from thence to *Brixham Turnpike Gate*, and to the Passage House at *Kingsweare* aforesaid; and also from the said *Brixham Turnpike Gate* through the present Turnpike Road unto *Brixham Quay* aforesaid; and also the present Turnpike Roads from the North-west End of *Torrabbey Avenue* to *Torre Cross*, and from the lower End of *Torre Village*, in front of *Torre Church*, to *Prowes Cellar-field* in *Tormoham* aforesaid; and also from *Torquay* by *Torwood*, across Parts of the Bartons of *Torwood* and *Usham*, and from thence by *Babbicombe* across *Babbicombe Hill* to the Village of *Saint Mary Church*, and from thence through the Village of *Coombafford* to *Narramore Bridge*, in the Parishes of *Tormoham* and *Saint Mary Church* in the said County; and also the Road from *Torre Cross* in the Village of *Torre*, in the said Parish of *Tormoham*, through *Stoneycombe*, and from thence through the Vale under *Lummaton Hill*, in *Saint Mary Church*, to *Narramore Bridge* aforesaid, and from thence across *Watcombe Lane* to *Solomon's Post*, with One hundred and twenty Yards of each of the Seven several Roads which lead from or near to *Solomon's Post* aforesaid, and from *Solomon's Post* across several Fields to the Lane or Road which leads from *Maidencombe Cross* to *Maidencombe Village*, and from thence by *Gabwell Common Hill* to *Stoke Common Hill*, and from thence to the Town or Village of *Shaldon*, and across the Marshes lately inclosed from the River *Teign*, now occupied by *Thomas Wills* and *Thomas Prideaux*, or their Tenants, Home to the Scite or Foot of the said Bridge now building across the River *Teign*, in the several Parishes aforesaid, or some or One of them.

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of or of
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of or of

Powers of the
recited Acts
3, 4, & 5 G. 4.
extended to
this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act), and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

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III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and

New Term
and Tolls
liable to
Debts, &c.

and owing on the Credit of the Tolls authorized to be taken by the said Act of the Fourth Year of the Reign of His present Majesty hereby repealed, and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said Act and of this Act, or any of them, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said Act hereby repealed and this Act, or to any other Person or Persons for the Benefit of the said Roads, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act, in such and the same Manner as if this Act had not passed.

Bonds, &c.
under former
Act to be
good under
this Act.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said Act of the Fourth Year of the Reign of His said Majesty hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are or shall be fully satisfied and performed on account of or for the Benefit of the Roads included in this Act; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Act hereby repealed to or with any Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and be observed and kept by them, according to the Terms, Stipulations, and Tenor thereof respectively.

Books, &c.
relative to
former Act
to be deliver-
ed to the
Trustees
under this
Act.

V. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Road, or who have or shall have in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to the said Road, shall account for and pay and deliver over the same and every Part thereof to the Trustees for executing this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act are required to pay or account for the same.

Books used
under former
Acts to be
Evidence.

VI. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Act hereby repealed, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Devon*, together with *George Baker* Clerk, *George Baker* the younger, *Nicholas Baker*, *John Moysey*

Moysey Bartlett, William Bartlett, William Bartlett the younger, John Adams Bartlett, Finney Belfield the younger, Clerks; John Finney Belfield, Robert Bradford Clerk, Henry Browse, Henry Browse the younger, John Buller Yarde Buller, Robert Butland, John Blackaller, the Honourable Hugh Clifford, Sir Henry Carew Baronet, Walter Palk Carew, George Cary, Henry Cary, William Creed, George Henry Cutler, William Courtenay, John Distin, George Drake the younger, John Drew, John Eastly, John Edwards Clerk, Edward Elton, Thomas Wilson France, Christopher Farwell, William Farwell, Philip Gillard, Nicholas Gillard, William Gillard, Arthur Howe Holdsworth, Arthur Eastabrook Holdsworth, Robert Holdsworth Clerk, William Hoskin, William Hole, Thomas Holdsworth Hunt, Arthur Hunt, Thomas Hunt, William Kitson Clerk, Thomas Kitson Clerk, Edward Addicott Kitson Clerk, Edward Kitson, Samuel Trehawke Kekewich, Sir John Louis Baronet, Thomas Louis, George Ley, John Ley, John Fownes Luttrell, Jeffery Lang, William Langmead, Samuel Langley, Roger Mallock Clerk, Rawlin Mallock Clerk, Roger Mallock the younger, Aaron Neck Clerk, Lydston Newman, Robert William Newman, Thomas Newman, Sir Lawrence Vaughan Palk Baronet, Lawrence Palk, Montagu Edmund Parker, Montagu Edmund Parker the younger, Robert John Palk, Wilmot Henry Palk Clerk, Walter Prideaux the younger, Richard Tapper Parsons, John Henry Seale, Henry Paul Seale, Charles Hayne Seale, John Browne Smith, Henry Studdy, Thomas Bradridge Studdy, John Shepherd, John Shepherd the younger, William Stracey Clerk, Pierce Joseph Taylor, John Waite, Aysbford Wise, William Wilking, Thomas Westcott Clerk, Thomas Rowe Westcott, Bouchier William Wrey Clerk, Robert Palk Welland Clerk, Thomas Woollcombe, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty King George the Fourth, shall be and they are hereby appointed the Trustees for putting the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act in Execution.

VIII. And be it further enacted, That it shall be lawful for the said Trustees at their First and Second Meeting, or either of them, to be held under or by virtue of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act and of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, in addition to the Trustees hereby nominated and appointed; and such Trustees, when so elected and appointed, and being qualified according to the Directions of the said Acts, shall be and they are hereby invested with the same Powers and Authorities for executing the said Acts and this Act, as if they had been named and appointed in and by this Act.

Power to
appoint ad-
ditional
Trustees.

IX. And be it further enacted, That the said Trustees shall meet at some convenient House or Place on or near the said Roads, on the Second *Thursday* next after the passing of this Act, and proceed to put this Act, and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, into Execution.

First Meet-
ing of
Trustees.

X. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer), who have been appointed

Former Offi-
cers (except
the Trea-

surer) to
continue.

under and employed in the Execution of the said recited Acts hereby repealed, shall, if the said Trustees think right and proper, respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced, or be removed by the said Trustees, or be incapable of executing their respective Offices, and shall be subject to the like Rules and Regulations, and the like Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Treasurer
and Clerk not
to be the
same Person.

XI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act; or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or if any Person being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person in the Service or Employ of the Partner or Partners of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlanche, shall be allowed.

Power to
continue or
erect Toll
Gates, Toll
Houses, &c.

XII. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it further enacted, That the said Trustees may, and they are hereby authorized to continue, remove, take away, or alter the Situation of all or any of the Toll Gate or Gates, Bar or Bars, Chain or Chains, and Toll Houses, which have been erected in, upon, or across any Part of the said Roads, and shall and may erect, or cause to be erected, such and so many other Toll Gate or Gates, Bar or Bars, Chain or Chains, Toll Houses, and Weighing Machine or Weighing Machines, in, upon, or across any Part or Parts of the said Roads, and also in, upon, and across any Part of the Diversions or Alterations, and new or additional Roads by this Act authorized to be made, and upon the Side or Sides thereof respectively, and upon or on the Side of each and every Branch of such Roads, as they the said Trustees shall think proper and expedient; and also shall or may erect or provide a Toll
House,

House, with suitable Outbuildings, a Garden, and other Conveniences, not exceeding One-eighth Part of a Statute Acre of Land, at or near each of the said Toll Gates.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required, when and as soon as the said Branches of Road are completed and opened to the Public, to erect and set up a Turnpike or Toll Gate upon, across, or on the Sides of each and every Branch of the said Roads hereby authorized to be made, and demand and take, or cause to be demanded and taken, the Tolls hereby granted, at some one Gate or Turnpike erected thereon. Trustees shall set up a Turnpike Gate on each new Branch.

XIV. And be it further enacted, That the several Tolls following shall or may be demanded and taken at each and every of the Gates, Bars, or Chains now erected or hereafter to be erected upon the Roads included in this Act, by such Person or Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say), Power to take Tolls.

For every Horse or other Beast, drawing any Coach, Chariot, Landau, Chaise, Chaise Marine, Car, Calash, Caravan, Hearse, Litter, Berlin, Barouche, Chair, Gig, or other such like Carriage, the Sum of Nine-pence : Tolls.

For every such Carriage with Four Wheels, affixed to any Waggon or Cart, the Sum of One Shilling and Sixpence :

For every such Carriage with Two Wheels, affixed to any Waggon or Cart, the Sum of One Shilling :

For every Horse, Mule, or Ass, or other Beast of Burthen, not drawing, the Sum of One Penny :

For every Four-wheeled Carriage, drawn by One Horse or other Beast, the Sum of One Shilling :

For every Drove of Oxen, Cows, or Neat Cattle, One Shilling and Eight-pence *per* Score, and in that Proportion for any greater or less Number :

For every Drove of Calves, Swine, Hogs, Sheep, or Lambs, Ten-pence *per* Score, and in that Proportion for any greater or less Number :

For every Horse or other Beast, drawing any Waggon, Wain, Cart, Tumbril, Dray, Sledge, or other such Carriage, Ten-pence :

For every Horse or other Beast, drawing any Waggon, Wain, Cart, Tumbril, Drag, or other Carriage, laden with Timber, the Sum of One Shilling and Three-pence.

Which said respective Sums of Money shall be demanded and taken in the Name of or as Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed.

XV. And be it further enacted, That in case Toll shall have been paid for or in respect of any Horse or other Animal for passing through any or either of the Turnpikes, Toll Gates, or Side Gates erected upon, across, or on the Sides of the said Roads, no Toll shall be demanded or taken for or in respect of the same Horse or other Beast for returning, passing, or repassing the same Turnpike, Toll Gate, or Side Gate the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, except as herein-after is mentioned. Toll to be taken but once for passing and repassing.

XVI. Pro-

No more than Four full Tolls to be taken on the whole Line of Road.

XVI. Provided always, and be it further enacted, That no more than Four full Tolls shall be demanded or taken for the same Horses, Beasts, or Cattle during the same Day (except as herein-after mentioned), for passing and repassing through the several Toll Gates or Turnpikes to be continued or erected by virtue of this Act.

Horses drawing certain Carriages to pay each Time of passing.

XVII. Provided always, and be it enacted, That for and in respect of all Horses drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for which the Tolls hereby granted shall have been paid, and which shall pass on or return on the same Day through the same or any other of the said Turnpikes or Toll Gates, Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for every Time of passing and repassing through every such Toll Gate, in like Manner as if no Toll had been before paid; and that the said Tolls shall be payable for or in respect of all Horses or other Beasts travelling for Hire, drawing Post Chaises and other Carriages, for every Time of passing and repassing along the said Road on the same Day, as often as a fresh Hiring shall take place.

Application of Tolls, &c.

XVIII. And be it further enacted, That all the Tolls and Monies which shall have been raised and produced by virtue of the said Act hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all Monies which shall arise and be produced by virtue thereof respectively, and not otherwise appropriated or directed to be applied, shall be vested in the said Trustees, and shall be applied and disposed of, in the first place, in Payment of the Costs, Charges, and Expences of passing this Act; and in the next place the same shall be applied from Time to Time in Payment of the Expences of erecting, making, maintaining, and repairing the Toll Houses, Toll Gates, Roads, Bridges, and other Charges attending the Care and Management of the Roads herein-before mentioned and described, and in Payment of the Interest of the Money now due and owing on the Credit of such Tolls; and in the next place, in Payment of the Interest of such other Sums of Money as shall be hereafter borrowed for making and repairing the said several Roads, Toll Gates, and Toll Houses to be provided, made, and erected in pursuance of this Act; and after the several Payments aforesaid, then in Payment of the Principal Money now due and owing on the Credit of the Tolls granted by the said Act hereby repealed; and from and after the several Payments aforesaid, then the same shall be applied in Payment of such further Sums of Money as shall hereafter be borrowed on the Credit of the Tolls hereby granted, and then towards the general Purposes of this Act.

Leases, &c. vacated.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees at their First or Second Meeting, or at any Adjournment thereof, to declare, order, and determine that all Demises, Leases, and Agreements for Leases of the existing Tolls heretofore granted and payable, under the said recited Act hereby repealed, at
the

the several Toll Gates on the said Roads mentioned in the said Act, and of the several Toll Houses, Buildings, and Appurtenances thereto belonging, shall cease and be vacated from and after the Twenty-fourth Day of *June*, and that from and after such Declaration, Order, and Determination, the same shall cease and be void to all Intents and Purposes, except as to the Right and Power of the said Trustees to receive, recover, and compel Payment of all Rents and Arrears of Rent, and Payments due and to become due thereon; and the said Trustees shall and may and they are hereby required to make a fair and just Compensation and Satisfaction to the present Lessee or Lessees, or Hirer or Hirers of the said Tolls, for any Loss or Damage which he, she, or they shall or may respectively sustain thereby, to be paid at such Time or Times, and in such Proportions as they the said Trustees shall deem reasonable and proper; and such Compensation and Satisfaction shall and may be recovered by such Lessee or Lessees, or Hirer or Hirers respectively, his, her, or their respective Executors, Administrators, or Assigns, from the said Trustees, in case the same shall not be paid within Thirty Days after the same shall be due, and be demanded of the Clerk or Treasurer, by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*; provided always, that in case the said Trustees, and Lessee or Lessees respectively, cannot agree upon the Amount of such Compensation and Satisfaction, the same shall and may be recovered by Action at Law as aforesaid; provided also, that nothing herein contained shall prevent the said Trustees, at their First or any other Meeting, if they shall think fit, from entering into any new or other Agreement with all or any of the present Lessees or Hirers of the Tolls, for such additional Rent for the additional Tolls hereby granted and made payable as they shall think reasonable and proper, for the unexpired Time of his, her, or their respective Leases or Terms, or Agreements for Leases or Terms.

XX. And whereas a Map or Plan describing the Lines of the intended Roads herein-before mentioned, and the Lands through which the same are to be carried, together with a Book of Reference containing Lists of the Names of the several Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the same is intended to pass, hath been deposited at the Office of the Clerk of the Peace for the County of *Devon*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace aforesaid, to the end that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees in making the said Branches or additional Lines of Road, and the said several Diversions and Alterations described in the said Map or Plan, shall not deviate more than One hundred Yards from the Line thereof without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Restricting Trustees from deviating beyond certain Distances of the Line without Consent.

XXI. Provided always, and be it further enacted, That if any of the Lands, Houses, Buildings, and other Premises, to be taken or used for

Misnomer not to prevent the

Execution of
this Act.

the Purposes of this Act, shall happen not to be described in the said Map or Plan, or any of the Owners or Occupiers of the same, or any of the Lands, Buildings, or other Premises described in the said Map or Plan, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described in the said Book of Reference, such Omission, Misnomer, or inaccurate Description, shall not prevent or retard the Execution of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act; but the several Lands, Houses, Buildings, and other Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually, as if the Owners and Occupiers of the same had not been omitted, or were properly and accurately named; provided it shall appear to any Two or more Justices of the Peace for the said County of *Devon*, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands, Buildings, or other Premises, had Notice that such Lands, Buildings, or other Premises would be wanted for the Purposes thereof.

Empowering
Trustees to
take Houses,
Gardens, &c.
in the Sched-
ule men-
tioned.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, for the Purpose of making, widening, diverting, or improving the Roads in this Act mentioned, to take and use, and lay into the said respective Roads, the Gardens, Orchards, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, first making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby.

Power to
purchase and
take down
Buildings,
&c. to cease
at the Expi-
ration of Five
Years.

XXIII. Provided always, and be it enacted, That if the said Trustees shall not within the Space of Five Years from the Day of the passing of this Act agree for, or cause to be valued and paid for, as by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty is mentioned and directed, the several Houses, Lands, Tenements, and Hereditaments which they are empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted to them for purchasing the same, or such Parts thereof as aforesaid, shall cease, determine, and be utterly void, save and except that the same may be afterwards executed with the Consent of the Owners or Proprietors thereof respectively.

Roads not to
pass through
the Lands of
Mr. Luttrell.

XXIV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Trustees to make the said Roads, or any Part thereof, in, through, or over any of the Lands or Grounds situate in the Parishes of *Brixham* and *Kingsweare*, in the County aforesaid, of or belonging to *John Fownes Luttrell* Esquire.

Certain un-
necessary
Roads may
be stopped
up.

XXV. And be it further enacted, That from and after the Roads hereby authorized to be made shall be completed and opened for the Passage of the Public, the Trustees may stop up and discontinue the present Road from the Town of *Shaldon* aforesaid over *Stoke Hill*, and also the Road from the *Warbery*, in the Parish of *Saint Mary Church* aforesaid, towards *Babbicombe* Village, and also from *Thomas Wilson France's* Plantation to the Entrance of the new Road near the upper End

of *Babbiscombe Hill*; and the Road from *Coombafford* aforesaid to *Sterpington* in the Parish of *Saint Mary Church* aforesaid; and that they shall also have full Power to stop up or discontinue as Turnpike or Parish Roads any other Roads which shall be rendered unnecessary by the making of the new Roads herein-before described; provided that such Roads shall not be stopped up or discontinued without the Order and Concurrence of Two Justices of the Peace for the County of *Devon*, not interested in the Repair thereof, which Order shall be subject to Appeal to the Quarter Sessions, in like Manner as if the same Order had been made by such Justices, and also subject to the Regulations and Directions contained in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways; so far as the same relates to Notices of Appeal against turning or diverting a public Highway; and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

55 G. 3. c. 68.

XXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty is particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of

Application of Compensation Money when exceeding 200l.

1 G. 4. c. 35.

of taking Effect ; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities ; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* but not less than 20*l.*

XXVII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed ; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where the Money is less than 20*l.*

XXVIII. And be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit ; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

XXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom

whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

where any
question shall
arise touching
the Title to
Money.

XXX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of the said Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any
Question
shall arise
touching
the Title to
Money.

XXXI. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful

The Court of
Exchequer
may order
reasonable
Expences of
Purchases to
be paid by
Trustees.

for the said Court to order the Expence of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act; or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Indenture of Mortgage to the Exchequer Bill Commissioners of 3d March 1824, not to be invalidated.

XXXII. And whereas the Commissioners acting in the Execution of an Act of Parliament passed in the Third Year of the Reign of His said present Majesty King George the Fourth, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the issuing of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the other Acts therein recited, mentioned, or referred to, did, under the Powers and Provisions of the said Acts, on or about the Third Day of *March* One thousand eight hundred and twenty-four, advance to the Trustees acting under the several first hereinbefore recited Acts, or some or one of them, Six thousand Pounds in Exchequer Bills, upon the Security of a certain Indenture of Mortgage bearing Date the said Third Day of *March* One thousand eight hundred and twenty-four, and made between the several Persons therein named and described as being Two-thirds in Number of the Trustees, at a Meeting called for the Purpose of executing the said Indenture, of the one Part, and *William Holden*, the Secretary of the said Commissioners, of the other Part; whereby the said Trustees did, as therein mentioned, assign to the said *William Holden* all and every the Rates, Tolls, and Receipts therein particularly mentioned, to hold the same, subject to the Repayment of the said Sum of Six thousand Pounds, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, as therein is expressed; be it therefore further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner incumber or affect the said Indenture of Mortgage of the Third Day of *March* One thousand eight hundred and twenty-four, so given by the said Trustees to the said *William Holden* as Secretary of the said Commissioners as aforesaid; and that the said Mortgage shall have the same Priority over, and shall precede all other Mortgages or Securities whatsoever already granted and executed, as he is or would have been entitled unto had not this Act been passed, and also shall have Priority over and precede all other Mortgages and Securities whatsoever which shall or may hereafter be granted and executed by the Trustees acting under the said recited Acts, and this Act, or any of them, upon the Credit of the Tolls and Duties now payable and collected, or which shall or may hereafter arise and be collected under the Authority of the said first hereinbefore recited Acts or this Act; and that the said Loan and Interest shall be repaid in the Manner provided by the said Indenture of Mortgage; and that the Tolls and additional Term hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or hereafter to become due and owing upon the said Indenture of Mortgage for securing the said Sum of Six thousand Pounds and Interest in manner aforesaid; any thing in the said recited Acts or this Act contained to the contrary thereof in anywise notwithstanding.

XXXIII. And

XXXIII. And be it further enacted, That this Act shall be deemed **Public Act.** and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

XXXIV. And be it further enacted, That this Act shall commence **Term and** and take Effect from the passing thereof, and shall continue and be in **Continuance** Force for and during the Term of Twenty-one Years, and from thence to **of this Act.** the End of the then next Session of Parliament.

SCHEDULE referred to in this Act.

Parish of Stokeintinhead - A Plantation - the Property of Samuel Trehawke
Kekewick, Esq., Owner and Occupier.

Parish of Saint Mary Church - Plantation - William Bartlett, Owner and
Occupier.

Ditto - - - House and Outhouses - Thomas Duder.

Ditto - - - Ditto, Shop and Ditto - Daniel Woodley.

Ditto - - - Ditto and Garden - William Gilding.

Ditto - - - Ditto - Thomas Lear.

Ditto - - - Courtlage and Garden - Christopher Waymouth.

Ditto - - - House - Abraham Weeks.

Ditto - - - Plantation - Thomas Wilson France, Esq.

Coombeintinhead Parish - Orchard - Devises of Henry Reynell, Esq. - Tenant,
William Rendell.

Ditto - - - Orchard - Ditto - Tenant, Robert Rendell.

Kingsweare - - - Orchard - Mr. Fownes - J. B. Smith, Occupier.

Brixham - - - Orchard - Nicholas Gillard.

Kingscarswell - - - House - Samuel Duder.

Ditto - - - Garden - Mrs. D. A. Brown - Edward Coulton, Occupier.

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